

further recites that the display device of the system comprises a radio frequency receiver operable "to receive the HTML commands from the access device". Clearly, these HTML commands received by the display device are the HTML commands that comprise "the content" that was accessed by the access device, and are thus necessarily included in the content wirelessly transmitted by the access device. Accordingly, Applicants submit that the skilled reader would readily comprehend, from claim 1, that the access device is wirelessly transmitting content (that content comprising HTML commands) to the display device. Applicants therefore respectfully submit that claim 1 and its dependent claims are sufficiently clear and definite that they particularly point out and distinctly claim the subject matter of the invention as required by §112, ¶2. Applicants respectfully traverse the rejection on this basis.

Claims 1 through 3, 10, 12 through 16, 22, and 24 were rejected under §102(e) as anticipated by the Daniels reference¹. Claims 5, 11, 18, and 23 were rejected under §103 as unpatentable over the Daniels reference in view of the Richardson et al. reference². Claims 6 and 19 were rejected under §103 as unpatentable over the Daniels reference in view of the Lemilainen et al. reference³. Claims 7 through 9, 20, and 21 were rejected under §103 as unpatentable over the Daniels reference in view of the MacAuley et al. reference⁴. And claims 4 and 17 were rejected under §103 as unpatentable over the Daniels reference in view of Official Notice taken by the Examiner. As such, all of the claims in this application are subject to a prior art rejection involving the Daniels reference, such rejection in each case using the Daniels reference as the primary reference.

Applicants respectfully traverse the prior art rejection of claims 1 through 24 in this case, on the grounds that the Daniels reference is not prior art against the claims in this case under any subsection of §102.

¹ U.S. Patent Application Publication US 2003/0074672 A1, published April 17, 2003 based on application S.N. 10/253,012 filed December 11, 2002.

² U.S. Patent No. 6,028,764, issued February 22, 2000 to Richardson et al.

³ U.S. Patent No. 6,681,239 B1, issued January 20, 2004 to Lemilainen et al.

⁴ U.S. Patent No. 6,663,560 B2, issued December 16, 2003 to MacAuley et al.

The date of publication of the Daniels reference is April 17, 2003, which is long after the filing date of this application, which is March 9, 2001.⁵ Accordingly, the Daniels reference, as a printed publication, is not prior art under either §102(a) or §102(b). The filing date of the patent application that was published as the Daniels reference is December 11, 2002, which is also long after the filing date of this application. Accordingly, the Daniels reference itself, whether taken as a printed publication or as the publication of a U.S. patent application under §102(e), is not prior art against the claims.

The undersigned notes that the Daniels reference appears to claim priority, as a continuation-in-part, to prior application S.N. 09/886,695 filed June 22, 2001, which in turn claims priority, as a continuation-in-part, to prior application S.N. 09/787,683 filed March 21, 2001. Both of these prior U.S. applications have filing dates that are after the filing date in this case. Therefore, to the extent that the Daniels reference has an effective filing date of either of these two prior applications,⁶ the Daniels reference cannot be prior art to the claims in this application.

Prior application S.N. 09/787,683 claims priority, under §365, to international application No. PCT/US99/21900, filed September 21, 1999, which in turn claims priority to U.S. provisional application No. 60/101,416, filed September 22, 1998. The filing date of this international application is therefore prior to November 29, 2000, which is the effective date of amendments to 35 U.S.C. §102(e); accordingly, the provisions of §102(e) that were in effect prior to November 29, 2000 control the determination of the effective date of the Daniels reference.⁷ Under that prior version of §102(e), the effective filing date of the Daniels reference can be no earlier than March 21, 2001, which is the date at which the national stage entry into the United States was completed under §371.⁸ But this date of March 21, 2001 is after the filing date

⁵ And longer still after the filing date of Provisional Application No. 60/191,287, filed March 21, 2000, to which this application claims priority.

⁶ Such relating back was not asserted by the Examiner in the Office Action of December 29, 2005.

⁷ Assuming, *arguendo*, that at least one claim in the Daniels reference is supported by the specification of international application PCT/US99/21900. *In re Wertheim et al.*, 209 USPQ 554 (CCPA, 1981).

⁸ 35 U.S.C. §102(e), as in effect prior to November 29, 2000; see also MPEP §706.02(f)(1)(II), Example 6.

of this application, which is March 9, 2001⁹. Accordingly, Applicants submit that the Daniels reference is not prior art against the claims in this case.

The undersigned surmises that international application PCT/US99/21900 was published at some point. However, no such international application publication was cited by the Examiner against these claims. And, considering that the Daniels reference is a publication of a continuation-in-part of a continuation-in-part of that international application, the undersigned presumes that the Examiner did not apply such an international application publication against these claims either because the date of such publication is not before the effective filing date of this application, or because the contents of that publication are not material to the claims in this case (*i.e.*, because it is the new matter presented in one or both of the subsequent continuations-in-part leading to the Daniels reference that pertains to the claims in this case).

In any event, because the Daniels reference is not prior art against this application, and because each basis of rejection presented against the claims includes application of the Daniels reference, either individually or in combination with other references, Applicants submit that the prior art rejection of the claims in this case is in error. Applicants therefore respectfully traverse the §102(e) and §103 rejections of the claims in this case, and request reconsideration.

The references cited as pertinent but not applied have been considered, but are not felt to come within the scope of the claims in this case.

⁹ And after the filing date of Provisional Application No. 60/191,287, filed March 21, 2000, to which this application claims priority.

For these reasons, Applicants respectfully submit that all claims in this case are in condition for allowance. Reconsideration of this application is requested.

Respectfully submitted,



Rodney M. Anderson

Registry No. 31,939

Attorney for Applicants

Anderson, Levine & Lintel, L.L.P.

14785 Preston Road, Suite 650

Dallas, Texas 75254

(972) 664-9554

CERTIFICATE OF FACSIMILE TRANSMISSION
37 C.F.R. 1.8

The undersigned hereby certifies that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax Number 571-273-8300) on March 29, 2006.



Rodney M. Anderson
Registry No. 31,939